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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,648	08/19/2003	Keiri Yoshioka	Q76025	3740
65565 7590 04/02/2007 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/642,648	Applicant(s) YOSHIOKA, KEIRI	
	Examiner Alex P. Rada	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/19/04, 8/9/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS 2/3/06, 8/24/06</u> |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on July 19, 2004, August 9, 2005, February 3, 2006 and August 25, 2006 have been entered and considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaminkow et al. (US Pub No. 2003/0064770).

Regarding claim 1, Kaminkow et al disclose a game device comprising an operating portion, which outputs a signal in accordance with a player's operation for proceeding a game (figure 6A and

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paragraphs [0011-0012]; where a player decides to change the speed of the game); a signal detector, which detects either a consecutive signal within a predetermined period of time or an intermittent signal within a predetermined period of time from the operating portion (figure 6A and paragraphs [0011-0012 & 0052-0055]; a prompter, which prompts a player to determine whether to change a speed of progress in the game when either the consecutive signal or the intermittent signal is detected (figure 6A and paragraphs [0052-0055]; where a speed up indicator is shown); a determination receiver, which receives a player's determination regarding the change of the speed of progress in the game (figure 6A and paragraphs [0011-0012]; and a speed changer, which changes the speed of progress in the game in accordance with the player's determination when the player's determination is received (figure 6A and paragraphs [0011-0012 & 0052-0055]).

Regarding claim 2, Kaminkow et al discloses a prompt controller, which controls the prompter so as to prompt the player to determine whether to change the speed of progress in the game after the current game is completed, when either the consecutive signal or the intermittent signal output from the operating portion is detected during the game is proceeded (figure 8; where the processor in any of the proceeding games is selected by the processor randomly during the course of the game play).

Regarding claim 3, Kaminkow et al discloses a prompt controller, which controls the prompter so as to prompt the player to determine whether to change the speed of progress in the game after the current game is suspended, when either the intermittent signal or the consecutive signal output from the operating portion is detected during the game is proceeded (summary; where change in speed of the game is capable of being changed in stand alone or bonus embodiment).

Regarding claim 4, Kaminkow et al discloses a restorer, which restores the speed of progress in the game changed in accordance with the player's determination to an initial speed of progress of

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the game, when a restore signal from a restore signal generator after completion of the game is received (summary; where normal play resume if the player does not choose the speed change or after normal play resumes after the bonus game).

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sako (JP 2002-018121).

Regarding claim 1, Sako discloses a game machine comprising an operating portion, which outputs a signal in accordance with a player's operation for proceeding a game (figure 2 and paragraph [0007-0008]; where a player choose the level of play); a signal detector, which detects either a consecutive signal within a predetermined period of time or an intermittent signal within a predetermined period of time from the operating portion (figure 1; where the player chooses the level of play by the controller 2); a prompter, which prompts a player to determine whether to change a speed of progress in the game when either the consecutive signal or the intermittent signal is detected (figure 2; where choosing the play is displayed to a player on the screen); a determination receiver, which receives a player's determination regarding the change of the speed of progress in the game (figure 2 and paragraph [0007-0008]; where a player decides what level to play the game); and a speed changer, which changes the speed of progress in the game in accordance with the player's determination when the player's determination is received (figure 2 and paragraph [0007-0008]; where level of play is chosen by the player and play begins on the level chosen).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Suzuki (US 6,364,764), Doyle et al. (US 4,171,135) and Kodachi (US Pub No. 2005/0181861) disclose different types gaming machine that change the speed or pace of play of a game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714


APR